

### **REMARKS**

This Amendment and Response is being submitted in response to the Office Action mailed July 2, 2004, relating to the above-identified application. Applicants respectfully traverse and request reexamination and reconsideration. Claims 1-26 remain pending.

#### **I. Summary of the Examiner's Rejections and Objections**

Claims 1, 2, 6, 7, 9-11, and 18-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Fischer* (U.S. Patent No. 3,713,322).

Claims 3-5, 12-16, 25 and 26 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 and various paragraphs of the specification stand objected to on informal basis.

#### **II. Telephone Interviews**

Applicants wish to thank the Examiner for the telephone interviews conducted with Applicants' representative. A number of issues were discussed as well as many of the pending independent claims. No conclusion as to allowability was reached. However, the Examiner tentatively indicated that Applicant's proposed amendments may be allowable.

#### **III. Applicant's Response to the Examiner's Objections**

Applicant has amended claim 1 and various paragraphs of the specification as required by the Examiner. Accordingly, Applicant submits that the Examiner's objections have been overcome and requests that the Examiner withdraw his objections.

#### **IV. Applicants' Response to the Examiner's Rejections**

The Applicant traverses the rejection of the aforementioned claims for the reasons set forth in greater detail below.

Applicant submits that *Fischer*, or any reference of record, individually, or any combination thereof, fails to disclose, teach or suggest, either implicitly or explicitly, each and every element of Applicant's claimed subject matter, as amended, and respectfully request the Examiner to withdraw the rejections.

Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. *Structural Rubber Products Co., v. Park Rubber*

*Co.*, 749 F.2d 7070; 233 U.S.P.Q. 1264 (C.A.F.C. 1984). The test for anticipation requires that all of the claimed elements must be found in exactly the same situation and united in the same way to perform the same function in a single unit of the prior art. *Studiengesellschaft Kohle, m.b.H. v. Dart Industries, Inc.*, 762 F.2d 724, 726 220 U.S.P.Q. 841 at 842 (C.A.F.C. 1984). Anticipation cannot be predicated on teachings in a reference that are vague or based on conjecture. *Datascope Corp. v. SMEC Inc.*, 594 F. Supp. 1036; 224 U.S.P.Q. 694, 698 (D.N.J. 1984).

The Examiner has rejected claims 1, 2, 6, 7, 9-11 and 18-24 under U.S.C. § 102(b) as being anticipated by *Fischer*.

Claim 1 has now been amended to require "at least one slot disposed adjacent the second opening external thereto" (Emphasis added). Applicant believes that claim 1 is now distinguished from *Fischer* which shows grooves 78, 79, 81 and 82 formed as part of the cylindrical aperture defined by inner surface 77 within the periphery thereof (See column, line 60, column 6, line 15 and FIG. 11). The gripping element arises of the present application extend beyond the periphery of the openings so that the force transfer elements engage the slots formed in the second element and not in communications with the second opening. Accordingly, claim 1 is now believe to be in an allowable condition.

Claim 20 has been amended to clarify that the first element includes "a gripping portion having a plurality of gripping elements ... and at least one aligning element ..." Applicant believes that claim 20 is now distinguished from *Fischer* which the Examiner claims shows "studs 95 ... disposed between an adjacent pair of guides ..." However, *Fischer* describes element 95 as a small cylindrical roller (column 6, line 26) that are moved by the cover ring 76 to locations outwardly of the beveled end surfaces 90 and 91 of the jaws 24 and 25 (column 7, lines 41-43). The "studs" are disposed aligned with a gripping element and not between adjacent pairs thereof. Further, the specification of *Fischer* fails to describe and alignment function of the "studs" and Applicant requests a specific showing from the Examiner to the contrary. Moreover, each groove 78, 79, 88 and 89 of *Fischer* which is formed in the periphery of the cylindrical opening only has a first section and Applicant requests a specific showing from the Examiner to the contrary. In the event the Examiner contends the grooves define a second section. Applicant also requests that the Examiner provide a specific showing of the divergent path of the first and

second sections of such grooves. Accordingly, claim 20 is now believed to be in allowable condition.

Applicant wishes to further illustrate the absence of structure of claim 1 asserted to be present in *Fischer*. Surface 124 is a portion of stop 120 which functions to stop arm 101 during operation of the tool 39 and does not provide any locking functions as claimed by Applicant. The crimping tool 39 of *Fischer* fails to disclose, teach or show a configuration where the gripping portion and actuation portion described by Applicant are penannular.

**V. Allowable Subject Matter**

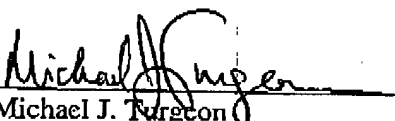
The Applicants wish to thank the Examiner for indicating that the invention as defined in claims 3-5, 12-16, 25 and 26 would be allowable if re-written in independent form. Applicant has amended claims 3, 5, 13-16, 25 and 26 in accordance with such indication and believes that all such claims are in allowable condition.

**CONCLUSION**

Based on the above amendments and remarks, the Applicants submit that claims 1-26 are now in proper condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 22-0259 or any payment in connection with this communication, including any fees for extension of time, which may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,

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